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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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HAZARD, J EXAMINER

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ART UNIT PAPER NUMBER

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2411

DATE MAILED: 07/20/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-39 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☐ Claims \_\_\_\_\_ are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 1-39 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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### **Part III DETAILED ACTION**

#### *Election/ Restriction*

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Group I - claims 4-10, 36, 38, and 39; Group II - claims 2, 3, and 11-22; Group III - claims 23-25; Group IV - claim 26; Group V - claims 27-35 and 37.

Group I is directed to modifications within the point issue means wherein the point calculation rate is changed according to different purchase conditions. Group II is directed to limitations on the point notification means and how the customer is notified of their point information. Group III is directed to limitations on the point accumulation means wherein the cumulative points are changed according to predetermined conditions. Group IV is directed to a limitation on the point accumulation means for converting a customer's points from management by one group of stores to another group of stores according to a conversion rate. Group V is directed to the limitations on providing a service to the customer through communication circuits and further limitations relating to the use of the services.

Each of the groups modifies a different means from the independent (generic) claim 1 and therefore presents different species of the system of claim 1.

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With respect to Groups III and IV, which both further limit the point accumulation means, these groups are reciting patentably distinct modifications of the point accumulation means. Group III relates to modifications to cumulative points under certain conditions and Group IV relates to transfer of points and a conversion rate for that conversion.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

2. **NOTE:** If Group II from above is elected, a further election of species is required as follows. Group II contains claims directed to the following patentably distinct species: Sub-group A - claims 13-18 and 21-22; Sub-group B - claims 12 and 19-20.

Sub-group A is directed to the display of point information at a terminal, including which information is displayed and the way in which that information is displayed. Sub-group B is directed to displaying point information on shopping carts or video carts equipped with a display screen.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no

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generic claim is finally held to be allowable. Currently, within Group II, claims 2, 3, and 11 are generic.

3. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

4. Due to the relative complexity of the present restriction, no attempt was made to communicate the restriction telephonically (according to the procedure established in MPEP 812.01).

5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

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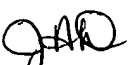
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R.


§ 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer (Hazard) Dixon, whose telephone number is (703) 305-9778. The examiner can normally be reached on Monday through Thursday from 7:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners' supervisor, Gail Hayes, can be reached at (703) 305-9711. The fax phone number for this Group is (703) 305-9564 or (703) 305-9565.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
Jennifer H. Dixon  
July 19, 1995

  
ROBERT A. WEINHARDT  
PRIMARY EXAMINER  
GROUP 2400